

### **Remarks**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

#### ***Cited Art***

The Action cites U.S. Pat. No. 5,375,241 to James E. Walsh (“Walsh”).

#### ***Claim Rejections - 35 USC § 112***

The Action rejects Claims 5 and 24 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully disagree. The concept that a processor executes in various modes is well known in the computing arts and requires no further explanation. Additionally, a patent need not teach, and preferably omits, what is well known in the arts. *See e.g.*, MPEP §2164.01; *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991). Applicants have provided an Information Disclosure Statement including various references to processor modes and levels. Further, the “claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.” *See e.g.*, MPEP §2163.06, page 2100-184, paragraph II.

Finally, when the limitation is “not in the specification portion of the application as filed, but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation.” *See e.g.*, MPEP §2164. Claims 5 and 24 recite “wherein the exchange function is executed in executive mode” or “wherein the exchange function is executed in user mode,” respectively. Applicants respectfully assert that a skilled artisan would be “enabled ... to make or use” the described exchange function and execute it in various processor levels or modes. Thus, Applicants respectfully assert that claims 5 and 24 are properly enabled.

However, claims 5 and 24 demonstrate that the described functions can be operated in various processing levels or modes. And, as evidenced by Walsh, the claimed technology is fundamentally distinct from the prior art, so no nuance such as a level or mode of processing will

be necessary to distinguish the claims from the prior art. Thus, please cancel claims 5 and 24 in order to expedite allowance of the remaining claims.

The Action rejects claims 1-14 and 20-25 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regard as the invention. Claims 1-14 and 20-25 have been amended and should now be allowable. Such action is respectfully requested.

***Allowance over Walsh***

The Action rejects claims 1, 3, 13, 14 and 20-22 under 35 USC 102(b) as allegedly being anticipated by Walsh. Additionally, the Action rejects claims 2, 4, 6-12, 15-19, 23, and 25 under 35 U.S.C. 103(a) as allegedly being obvious over Walsh. Applicants respectfully disagree. Walsh fails to teach or suggest the original claims and no amendment should be required for allowance. However, Applicants are amending the claims to be closer to a claiming style suggested by the Examiner. See e.g., the Action, page 6, "Allowable Subject Matter." All claims should now be in condition for allowance. Such action is respectfully requested.

***Request for Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney, or his supervisor Stephen Wight Reg. No. 37,759, in order to resolve any remaining issues required to obtain allowance. Such action is respectfully requested under MPEP § 713.01

***Conclusion***

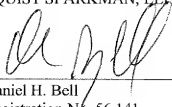
The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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